



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 25, 1998

Mr. Eugene D. Taylor  
Williamson County Attorney  
Williamson County Courthouse Annex  
Second Floor  
405 Martin Luther King Box 3  
Georgetown, Texas 78626

OR98-2871

Dear Mr. Taylor:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119969.

The Williamson County Commissioners Court (the "commissioner's court") received a request from a former employee for personnel file information and for "any and all notes pertaining to my dismissal or discussion thereof that were kept while in executive session by the County Attorney or the County Judge's Administrative Assistant." You indicate that the requestor's personnel file was provided to him. You state that the only remaining responsive records are the certified agendas of executive sessions of the commissioner's court. You contend that these records are confidential and may not be disclosed.

The requestor seeks notes kept by your office or the administrative assistant to the county judges. It is our understanding that the only "notes" which were kept by your office or the administrative assistant are actually the certified agendas from the closed executive sessions of the commissioner's court. Section 551.146 of the Government Code provides that it is a criminal offense to disclose to a member of the public a certified agenda of a closed meeting. A certified agenda of a closed meeting is available for public inspection and copying only under a court order.<sup>1</sup> Gov't Code § 551.104. Thus, the certified agendas at issue are confidential by law and may not be released to the requestor.<sup>2</sup> Gov't Code §§ 552.101, 552.352 (disclosure of confidential information is a criminal offense); Open Records Decision No. 563 at 6 (1990).

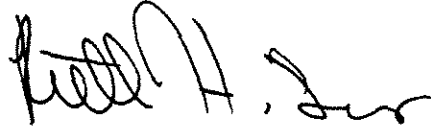
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<sup>1</sup>This office lacks authority to review certified agendas of executive sessions to determine compliance with the Open Meetings Act. Open Records Decision No. 495 (1988).

<sup>2</sup>We note that if records other than the certified agenda or tape recording were kept from the executive session, such records would not be protected under section 551.146.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy", with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 119969

Enclosures: Submitted documents

cc: Mr. Wayne H. Benedict